

January 10, 2007

The regular meeting of the Santa Rosa County Building Code Board of Adjustments and Appeals was held January 10, 2007, at 3:00 p.m. in the conference room of the Santa Rosa County Building Inspection Department located at 6051 Old Bagdad Highway, Milton, FL 32583. Board members present were Mr. Danny Holt, Chairman; Mr. Charles "Pete" Southerland, Vice Chairman; Mr. William J. Blackman, Mr. James "Larry" Hall and Mr. Frank Harold.

Building Inspection Department staff in attendance was Mrs. Rhonda Royals, Deputy Building Official; Mr. Skip Tompkins, Compliance Division Superintendent; Mr. Randy Jones, Compliance Investigator; Mr. Bobby Burkett, Compliance Investigator and Mrs. Robyn Leverton, Administrative Assistant I.

Mr. Tom Dannheisser, County Attorney, was not present for the meeting.

Mr. Danny Holt, Chairman, called the meeting to order at 3:02 p.m.

A court reporter from Anchor Court Reporting (432.2511) Pensacola, was present for the "Formal Hearing" portion of these minutes.

Approval of Agenda:

There were no amendments to the agenda. Mr. Harold made a motion to accept the agenda. Mr. Southerland seconded the motion. The motion carried with a unanimous vote.

Approval of Minutes:

Mr. Southerland made a motion to approve the minutes from the December 13, 2006 meeting. Mr. Blackman seconded the motion. The motion carried with a unanimous vote.

Next Meeting:

The next regularly scheduled meeting is Wednesday, February 14, 2007, at 3:00 p.m. in the Building Inspection Department Conference Room.

Old Business (Formal Hearing)

Santa Rosa County vs. Crista V Hollenbeck d/b/a Crystal Pools

Rhonda Royals introduced the case and stated that this is a continuation of a disciplinary formal hearing regarding Crista V Hollenbeck's license #RP0040798.

Randy Jones was sworn in and gave the Board a brief update of the case. Randy said the permitting of the screened enclosure, some electrical corrections, and a final inspection were the remaining issues on this case. He stated that he visited the jobsite this morning; the enclosure was not bonded, but he called Mr. Hollenbeck and he says it has been completed. It has not been inspected yet, but Randy has seen a picture and has verified that it's the same location. He said it will be inspected and finalized tomorrow, 1.11.07, and he doesn't expect anymore problems.

Mr. Southerland made a motion to table the case until the next meeting if not approved; if final inspection passes, dismiss the case. Mr. Blackman seconded the motion. The motion carried with a unanimous vote.

Old Business (Formal Hearing)

Santa Rosa County vs. Jeff Milowitz d/b/a Emerald Coast Construction

Rhonda Royals introduced the case and stated that this is also a continuation of a disciplinary formal hearing regarding the failure to call in for required inspections.

Randy briefed the Board regarding the case. He said both permits that needed to be addressed have been cleared up. He asked for some assurances from Mr. Milowitz, that all outstanding issues have been cleared up.

Mr. Milowitz was sworn in and stated that all permits have been finalized and all his customers were satisfied. He also stated that as far as he knew, he hasn't been performing work for which he should have pulled permits. The Board asked Mr. Milowitz if he knew what types of work required a permit. He stated that yes, he did know.

Mr. Harold made a motion of not guilty. Mr. Blackman seconded the motion. The motion passed with a unanimous vote.

There was a recess from 3:12 p.m. – 3:20 p.m. to allow the Board to read some new documentation for the Danforth case that was distributed just prior to the meeting.

New Business (Probable Cause)

David & Melanie Thompson vs. Daniel E. Danforth d/b/a Dan Danforth Construction

Rhonda Royals introduced the case. She stated that this case began in the form of a complaint from the Thompson's regarding a possible re-roof violation. The description of the complaint is as follows: Failure to properly install shingles and failure to correct code violations.

Randy Jones presented the information that he gathered during his investigation. He stated that the roof permit was issued in March 2005 and as of this date, there is no final inspection. Mr. Danforth has no excuse as to why it hasn't been finalized. Nobody is disputing the fact that there are problems with the roof. Randy says he knows there are problems, the Thompsons know and Mr. Danforth knows. The issues are: 1) How to repair and 2) The extent of the repair.

Randy read some information from the Elk letter that was in the packet the Board received. The information stated how to make repairs and also that the wind warranty will not be in effect if these repairs are completed. Randy said there is one side of the roof that he believes is exceptionally poor, in that everywhere he looked, none of the nails were in the right place; they were all high. He believes we come to the question as to how to fix it. Danforth Construction can use one of three ways: Reroof, overlay, or the seal can be broken by lifting the tabs and hand sealing. All those three methods will meet code which is all we require. The Board asked if these methods would meet the manufacturer's code. Randy said that is a gray area; they are not saying that they can't be repaired this way; they are saying the wind warranty will not be in effect. The Board said that the wind warranty is what the customer is paying for.

The Board asked Randy why there had been such a long time from the date the permit was pulled until now. Randy said that Mr. Danforth doesn't have an explanation or excuse for the timeframe. The first inspection was called for in June of '05; that inspection was turned down. Another was called for in October of '05 that was, once again turned down. There was a third inspection in January of '06 that was turned down for multiple discrepancies. That's the one at which the nailing situation was discovered. Several months passed before he heard anymore about the case.

The Thompsons had several owner/builder permits that were getting finalized and that's when it became apparent that the roof hadn't been finalized. It was late August or early September '06 when Randy received a call from them stating that the roof still was not finalized. Randy called Mr. Danforth and received a return call from him the following day with a comment that he had requested an inspection. Randy notified him that it had failed for a third time. The roof failed due to the location of the fasteners in the shingles.

A discussion ensued between the Board and Randy. Randy stated that if Danforth Construction would repair, overlay or replace the one side of the roof that didn't meet code (that encompasses approximately 1/3 of the roof), he could pass the final inspection. Of the three fix options, the only one that wouldn't receive a wind warranty (per Elk) would be the breaking of the seal and hand sealing. Randy agreed with the Board in that if an overlay is completed on the 1/3 portion, the shingles will most likely not match, the work quality will look poor (laying over three dimensional, architectural shingles) and it will cost the homeowner more money to remove the double layer in that section when that roof needs replacing down the road. However, either option would pass code.

Mr. Blackman said that if the homeowner pays \$13,000 for a new roof, they should get a good job; he wouldn't accept it if it was nailed wrong and/or the shingles didn't match. Randy agreed, but stated that as an enforcement agency, inspectors can only require minimum code.

The Board once again mentioned the time involved from the date the permit was pulled. Randy said that he met Dan Danforth and Mr. Thompson on the roof immediately after the discrepancies were discovered. At that time, Mr. Danforth said that he could have the roof fixed within 10 working days. The 10 days went by, nothing was done and Mr. Thompson called after approximately 12 days and said that he wanted to proceed with the complaint. Mr. Southerland asked how the roof was checked; when the incorrectly nailed side was discovered, were the remaining portions of the roof rechecked more diligently? Randy said they were not rechecked. He checked the other sides first and when he discovered the discrepancies on the one side, he only checked that one side more thoroughly. The contractor doesn't know where the inspectors will look and he didn't have a problem with the other sides, but on that one side, everything seemed to be wrong. According to Randy, it appeared as though two different crews worked on the roof even though he was told only one crew worked the job. In his opinion, there seems to be too much difference from the one side compared to the rest of the roof.

David and Melanie Thompson came before the Board. Mr. Thompson said that to the best of his recollection, when the roof was inspected in September with Randy and Mr. Danforth, there were a few areas (other than on the south side) on the roof where they did find the same problem present. Mr. Thompson asked the Board if there are any permits purchased that do not require an inspection?

Mr. Harold responded, "If there is a permit required, there is an inspection to go with the permit."

Mr. Thompson invited the Board to look at the records and he stated that there are many permits that have gone without a final inspection.

David and Melanie Thompson said there were many permits pulled to repair the damage to their home after Ivan, all permits have been finalized except this roof permit. They currently have a temporary CO for the house, but cannot get a final CO until the roof passes the final inspection. The appearance of the roof is good and it does not leak, but the contract stated that the roofer was to change the sheathing where needed, one of the roofers suggested to the Thompsons that at least eight sheets should have been changed; no sheathing was replaced therefore making him very hesitant to overlay any portion of this roof. Mr. Thompson said that in his opinion, several sections should have been changed. This work, the original reroof permit, was all completed after Hurricane Ivan. They did not have Dan Danforth Construction work on the roof after hurricane Dennis.

A discussion ensued and photos were reviewed. The Board stated that when roofers start nailing, they can determine if the decking is solid. They asked if Mr. Thompson felt as though, when walking on the roof, it felt as though areas were soft or ready to give way. Mr. Thompson said it doesn't feel as if it's less than solid to the point of failure. Mr. Harold asked how they felt about a new roof on only the one side of their house. David said, "Not much, I think it's a partial solution to a roof wide problem".

Melanie Thompson said Danny Warrick, Building Inspector, found problems on the other side of the roof; not as many as on the south side, but they found problems. David Thompson said he couldn't accept a partial solution; he couldn't accept something less than what he feels he paid for.

Mr. Southerland said that the problem seems to be that Randy Jones, the County's Representative, says he feels like the rest of the roof would meet code whereas this one portion does not. What the Board has to look at is what doesn't meet code. That is where they can help.

Mr. Thompson says he, Randy and Danforth got on the roof on the south side and started looking at the shingles there first. They found a high incidence of misapplied nails. They spot checked other areas of the roof and found a lower incidence because they didn't check as many shingles. Randy spoke again, "I remember making a statement when on the opposite (north) side of the roof, where there was one nail on a shingle that was high, I didn't have a problem with that. I didn't see any shingle, anywhere else on the roof where they were all high like they are on the south side".

David and Melanie Thompson said the roof sustained only minimal damage during Dennis and was repaired by someone, they assumed it was Dan Danforth Construction.

A discussion ensued.

Dan Danforth addressed the Board. He said, to the Board, the Thompson's and Randy, that the storm has ruined his business; this is just one incidence that he's dealing with and he is still standing here willing to make a correction as stated back in September to Mr. Jones. He said to please accept his sincere apology.

He has no idea of any repairs done after Dennis. He doesn't voluntarily fix anybody's roof. He said Randy's statement that nothing was adequate on the left side of the roof was unfair. Mr. Southerland asked what portion of the left side of the roof did he feel was incorrect? Dan answered a guess of 50%.

Mr. Blackman asked Mr. Danforth if he went to look at the roof after it was installed and the first inspection failed. Mr. Danforth said that he did look at it. Mr. Blackman then asked, if he agreed that the job was not professional, why has it been two and a half years and he hasn't fixed something that was not done right and was not professional. Mr. Danforth said they made attempts to repair and he made assumptions that it was done.

Mr. Danforth continued. He said Marty went out and made some repairs towards the end and again, it was always nothing catastrophic; it was eave metal or a ridge vent that wasn't covered or something that was superficial. The eave metal was terrible and they put on two different types. Mr. Danforth said that his position today wasn't to dispute things but to rectify this with some dignity. The Board asked what he was prepared to do today, in order to fix the problem and what sort of time frame did he need. Mr. Danforth said he was prepared to fix the roof according to Randy's recommendation, but Mr. Thompson discovered that his wind warranty would be void with the fix. So here we are today.

A discussion ensued.

Mr. Danforth said, "If the Board tells me I need to replace the roof 100% then I guess I don't have a choice".

Mr. Hall asked Mr. Danforth... "Are you still in business at this point and time?"

Danforth: "I'm hanging on by my fingernails, yes sir."

Hall: "Have you pulled any additional permits within the last six months or the last year?"

Danforth: "Yes sir."

Hall: "So you've got ongoing work now?"

Danforth: "I quit selling... trying to clean up this mess in December. I mortgaged my house to finish up what I have so I can hopefully walk away from this with my head up. I'm terribly upside down from the CPA that lost complete track of everything I did during the year of Ivan and standing here still today trying to maintain this."

Hall: "Okay, let me ask you this. I believe I can summarize by saying you're still in one heck of a mess at this point and time. Is that a reasonable statement?"

Danforth: "Exactly."

Hall: "You're not trying to sell any more, you're simply trying to finish everything you've got outstanding now?"

Danforth: "That's correct."

Hall: "You understand and see Mr. Danforth, you're an intelligent person, the dilemma these homeowners are in?"

Danforth: "I do."

Hall: "I, as a single Board member, I cannot speak for the balance of them, will not be satisfied with anything less than the removal and replacement of the total roof because I think that's what they paid for originally. Were I in your position, I may feel somewhat the same with the fact of trying to do whatever I could possibly do to rectify the problem that I had and move on from that, but I personally, after reading and looking all through this your position and your statements back and forth and theirs also I feel they did not get what they paid for therefore I am in agreement with Mr. Blackman that you've got the money, these people are entitled to what they paid for, in my opinion. Are you or can you commit, before this Board has to say 'Let's go to a formal hearing', what then does take into account your license and your ability to continue to do work in Santa Rosa County... Are you in any position to say exactly what you can or cannot do at this point and time?"

Danforth: "Financially, no."

Hall: "Thank you."

A discussion ensued.

Mr. Thompson said he would allow Dan Danforth Construction to replace the roof within a 30 day timeframe if he has proper documentation in terms of insurance, certification, permits and inspections. Mr. Danforth said that he will replace the roof and he will let Randy know who his crew will be that completes the job. It was agreed that flashing would be replaced, if sheathing needs replacing, the Thompson's are responsible for the additional cost.

Mr. Blackman made a motion to move case to a Formal Hearing unless the customer is satisfied prior to the hearing (it generally takes 60 days to set up for a formal hearing). Mr. Hall seconded the motion. The motion carried with a unanimous vote.

Election of Officers

Rhonda stated that the Board has been rotating the position of Chair and Vice Chair based on districts. Continuing with this method would place Pete Southerland in the Chair position and Larry Hall as Vice Chair.

Mr. Blackman made a motion to continue with this process. Mr. Harold seconded the motion. The motion carried with a unanimous vote making Mr. Charles "Pete" Southerland, Chairman and Mr. James "Larry" Hall, Vice Chairman.

Mr. Blackman made a motion to adjourn the meeting. Mr. Southerland seconded the motion. The motion carried with a unanimous vote.

The meeting was adjourned at 4:45p.m.